

## SENATE BILL NO. 121

INTRODUCED BY B. KEENAN

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE RESTRICTION ON LIABILITY OF RESIDENTS OF MONTANA STATE HOSPITAL AND CERTAIN OTHER STATE INSTITUTIONS TO PAY FOR CARE PROVIDED TO THE RESIDENTS UNDER ANY PROVISION OF A CRIMINAL STATUTE; AMENDING SECTION 53-1-409, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 53-1-409, MCA, is amended to read:

**"53-1-409. Limitations on liability of resident or financially responsible person for cost of care.**

(1) The resident or financially responsible person is liable only for the cost of care that the department has determined that the person is able to pay and for which the department has billed the resident or financially responsible person. If the amount payable is retroactively reduced because of a new determination of ability to pay, the resident or financially responsible person shall pay only the reduced amount for the period of time covered by the retroactive reduction.

(2) The natural or adoptive parents of a long-term resident may not be required to pay for the resident's cost of care in an amount exceeding the cost of caring for a normal child at home as determined and updated annually by the department based upon the annual cost of raising a child, as estimated by the United States department of agriculture.

(3) The natural or adoptive parents of a long-term resident may not be required to pay for the resident's cost of care for periods after the resident attains 18 years of age.

~~(4) (a) A resident or financially responsible person is not financially liable for care provided to a resident under any provision of a criminal statute.~~

~~—— (b) Subsection (4)(a) does not apply to a person who is enrolled in the Montana chemical dependency treatment center.~~

~~(5)~~(4) This section may not be construed to reduce the liability of a third party for a resident's full cost of care as provided in this part."

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